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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,594	06/06/2001	Srinivas V.R. Gutta	US010125	7185
24737	7590	08/02/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			WOO, ISAAC M	
		ART UNIT	PAPER NUMBER	
		2172	//	
DATE MAILED: 08/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/875,594	GUTTA ET AL. <i>[Signature]</i>	
	Examiner	Art Unit	
	Isaac M Woo	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,9-11 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is in response to Applicant's amendments, filed on May 03, 2004 have been considered but are deemed moot in view of new ground of rejections below.
2. Claims 1-3, 9-11 and 17-19 are amended. Claims 1-3, 9-11 and 17-19 are pending in this office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al (U.S. patent No. 5,977,962, hereinafter, "Chapman") in view of Dobson et al (U.S. patent No. 6,256,628, hereinafter, "Dobson").

With respect to claims 1-3, 9-11 and 17-19, Chapman discloses, method, computer system and computer program product for generating a recommendation of a program, see (EPG, on-screen electronic program guide, col. 1, lines 32-46), receiving

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a first program record corresponding to a first program (col. 5, lines 51, exemplary approach for transmitting and filtering Town Hall data (the first program record) is illustrated in FIG. 5), wherein the first program record includes at least one key fields;, see (col. 5, lines 47-67, When a user selects Town Hall from main menu 50, application 30 provides a Town Hall menu 54 with a list of towns (or neighborhoods, boroughs, etc.) in the cable operator's area. For each town, there is a menu 56 that lists entries for events, offices, and notices that are key fields of program records); retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field, see (col. 2, lines 30-48, searching database); converting each key field of the first program record into a feature value, see (col. 2, lines 30-48, col. 5, lines 49-67, offices, events and notices are key fields and key fields are converted into key (62, fig. 5, featured values)). Chapman discloses, determining program record of the plurality of program records that qualifies as a nearest neighbor of the first program records, see (col. 4, lines 22-49, database search results are based on nearest neighbor); generating a recommendation of the first program based on the second program records, see (col. 5, lines 3-21, which describes generating TV program that searched). Chapman does not explicitly disclose N number and cluster of program records. N number and cluster are interpreted as search result data sets that are similar and cluster includes N number of data records. Dobson discloses, method of displaying clustered data points in detail and in context within a data set including the following steps: identifying one or more clustered sets of data points within a data set, each data set including a plurality of data points, determining respective data range

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segments each cluster of data points, the data points in each segment such that each segment is mutually distinguishable, see (col. 1, lines 41-57). This teaches the number of data sets and clustering pointing for data set. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made include N number and cluster of program records in the system of Chapman. Because data search results are displayed as a single output or clustered output that are nearest sets, which provides efficient data search results proving method in the data retrieval system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arsenault et al (U.S. Patent No. 6,728,966) discloses the system for Electronic television program guide information is downloaded, stored and searched by a local device. A plurality of linked lists are used to remove redundancy, increase search speed, and allow dynamic categories. When a new category is encountered a new head node for a link list data structure is created. When a first program guide object containing information related to that category is downloaded, a link is made (i.e., a pointer is stored) from the head node to the guide object. When subsequent program guide objects containing information related to that category are downloaded, links are added to the end of the list or inserted in alphabetical order. As guide objects expire the

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links are removed. When no links remain in a particular category the head node for that category is deleted.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
July 12, 2004



SHAHID ALAM
PRIMARY EXAMINER